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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,525	11/27/2000	Udo Baumeister	VAL-489-A	7430

7590 10/18/2002  
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EXAMINER
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LAM, THANH

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/622,525

Applicant(s)  
Baumeister et al.

Examiner  
Thanh Lam

Art Unit  
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 16, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Nov 27, 2000 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Jul 16, 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Specification*

1. The amendment filed 7/16/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the sensors lie in the same plane as the carbon brushes.

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Drawings*

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 7/16/2002 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(a)(6) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the carbon brush (10).

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plane" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 9 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The new matter is " wherein the sensors lie in the same plane as the carbon brushes".

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 5, and 9-11, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Materne et al.

Materne et al. disclose a device for measuring the angle of rotation for an electrical machine equipped with a commutator (see fig.2-3), a stator and carbon brushes, in which segments of the commutator are formed of an electrically conductive material (not show)

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penetrable by a magnetic field of the commutator, a basic body (7, fig. 2) of the commutator bearing the segments is permanently magnetized (col. 4, lines 14-16), at least sectionally, and that the stator of the machine is equipped with sensors (20) responding to the rotary status of the commutator, wherein the sensors lie in the same plane (5) as the carbon brushes.

Regarding claim 2, each sensor has at least one Hall element (col. 6, lines 29-30), which is penetrable by the magnetic field of the commutator.

Regarding claim 5, the basic body has at least one recess (see fig. 3, where the N and S magnetic seat in), into which a prefabricated magnet (N, S) is fitted.

Regarding claim 9, Materne et al. disclose a device for measuring the angle of rotation for an electrical machine with a shaft and at least one carbon brush, comprising: a commutator (7) including electrically conductive segments (not show) concentrically arranged around a basic body mounted on the shaft wherein the basic body includes at least one magnetized section; and a sensor (20) responding to a magnetic field generated upon rotation of the commutator, wherein the sensors lie in the same plane (5) as the carbon brushes.

Regarding claim 10, Materne et al. disclose the sensor has at least one Hall element penetrable by the magnetic field.

Regarding claim 11, Materne et al. disclose the sensor is mounted upon a stator of the electrical machine.

Regarding claim 16, Materne et al. disclose the basic body formed of a magnet.

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Regarding claim 19, Materne et al. disclose the basic body has a plurality of segmented recesses, each of the plurality of segmented recesses having a magnetic segment fitted therein.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4, 6, 8,12-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Materne et al. in view of Knappe.

Materne et al. disclose every aspect of the claimed invention except the basic body made plastic (4) insulation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the basic body of Materne et al. and made of plastic material as taught by Knappe in order to provide a good insulation for the commutator.

Regarding claims 3,6,12, Knappe discloses the basic body is made of an electrically insulating material permeable (plastic is magnetic permeable material) to a magnetic field.

Regarding 13, and 17, Materne et al. disclose the basic body is made of one of a sectionally magnetized (N, S fig. 3) and a completely magnetized magnet.

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Regarding claims 4,8, 14-15, and 18 Knappe the magnet of the basic body is sintered (same as plastic).

9. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Materne et al. et al. in view of Kobman et al.

Sakamaki et al. disclose every aspect of claimed invention except for the magnet of the basic body is molded.

Kobman et al. disclose a magnet of the basic body is molded (see abs.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the magnet and the basic body of Sakamaki et al. and molded together as disclosed by Kobman et al. (col. 2, lines 34-43).

### ***Response to Arguments***

10. Applicant's arguments filed 7/16/2002 have been fully considered but they are not persuasive. Because the amendment introduced new matters and the cited art Materne et al. is still read on the amended claim 1 and 9 as cited in rejection above .

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

Thanh Lam  
Patent Examiner

A handwritten signature in black ink, appearing to read 'Thanh Lam', is written over a horizontal line.

Oct. 16, 2002